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Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 04-29-02	Bureau/Station/Facility: Century Station F.O.R II	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 002-08993-2112-055	Date: 04-28-02 Time: 0445 Hrs.
City or Station: Lynwood	Nature of Incident: During a struggle with an armed suspect, Deputy Richard McKaig fired two rounds from his duty weapon striking the suspect twice.
Location: San Vicente Avenue & Norton Street	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other **Street Lights** (circled)

Weather (*circle only one*): Clear, **Cloudy** (circled), Fog, Rain

Distance: Two Feet

Incident Type (*circle one or more*): Accidental, Armed Person, **Fleeing Suspect** (circled), **Foot Pursuit** (circled), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, **Struggle Involved** (circled), Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **Call** (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other **Routine Patrol** (circled)

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: 0

Aero Unit? ☒ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Twedt	Garrick	J.	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	McCray	Leonard		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
[redacted]	McQuay	John		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Malone	Alicia	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Oguri	Kanzo	

PSTD Use Only
SH # 2062117

Officer Involved Shooting

URN: 002-08993-2112-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-28-02	0615 Hrs.	12/12/02	

Employee #	Last Name	First Name	M.I
[redacted]	Gooden	Joseph	M.
[redacted]	Greene	Jerry	S.
[redacted]	Johnson	Gregory	H.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(CH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(LN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E #1	FH	BR	9	N	N	NN	NN
E #1	S #1	FH	BR	9	Y	Y	GS	BK
E #1	S #1	FH	BR	9	Y	Y	GS	AR

SH-R-438A rev. 3/97

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 002-08993-2112-055

Involved Employee

E 1

Employee # [redacted] | Last Name: McKaig | First Name: Richard | M.I.:

Sex: M | Race: White | Rank: Deputy Generalist | Unit Assignment: Century Station F.O.R II | Work Assignment (Unit #, Module, etc.): 212F

ShiftTime (*circle only one*): **EM** PM Day | ShiftType (*circle only one*): **Regular** Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☒ | Coroner Case #: 2002-03275 | Interviewed? ☐

Hrs of sleep prior to shooting: 9 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest** | Other Factors: N/A

Age: 33 | Height: 5-11 | Weight: 175

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

E ___

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E ___

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 002-08993-2112-055

Suspect Information

S 1

Last Name: Robles	First Name: Jesus	M.I.: J.
AKA Last Name:	First Name:	M.I.:

Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 28 D.O.B. 05-25-75	Height: 5-05 Weight: 135	FBI #: [redacted]	CII #: [redacted]
Booking #: N/A	Primary Charge: Deceased	Secondary Charge:	
Coroner Case? ☒	Coroner Case #: 2002-03275	Intoxication/Drug Usage? ☒	Substance Used: Alcohol, Cocaine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Saturn	Model: SL2	Year: 1994	

S 2

Last Name: Rivas	First Name: Rafael	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 24 D.O.B. 06-06-78	Height: 5-07 Weight: 190	FBI #: [redacted]	CII #: [redacted]
Booking #: 007264086	Primary Charge: 487(D) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☒	Substance Used: Alcohol, Cocaine
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Saturn	Model: SL2	Year: 1994	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB SH #2062117
002-08993-2112-055

On Sunday, April 28, 2002, Sergeants Joseph Gooden and Jerry Greene of the Internal Affairs Bureau (IAB) were notified of a deputy involved shooting which occurred after Century Station personnel had responded to a stolen vehicle call. IAB Lieutenant Gregory Johnson, Deputy Jason Wolak, Field Operations Training Unit, Deputy District Attorney Daniel W. Baker and Senior Investigator [redacted] of the District Attorney's Special Investigations Division, were also present at the scene.

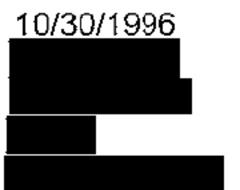
INVOLVED PERSONNEL:

MCKAIG, Richard, Deputy, #[redacted]
Century Sheriff's Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

MCKAIG, Richard

Date of Employment:	10/30/1996
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents	[redacted]
Prior Founded Force Incidents	[redacted]



SUSPECT:

ROBLES, Jesus, MH/27 (Deceased)
RIVAS, Rafael, MH/23
DOE, John MH/A (Avoided Capture)

Suspect Robles has a [redacted]

Suspect Rivas has a [redacted]

WITNESSES:

Deputy Garrick Twedt, #[redacted]

[redacted]



[redacted]

INJURIES:

Suspect Robles sustained a fatal gunshot wound
(***See Homicide Book Page #98, Autopsy Report***)

PHYSICAL EVIDENCE:

Refer to Exhibit B, page 19, 20,35,36,40, for detailed locations of pertinent evidence.

INVESTIGATORS' OBSERVATIONS:

The IAB investigators observed the exterior of the location where the shooting occurred.

WEAPONS USED BY DEPUTY PERSONNEL:

MCKAIG, Richard

Service weapon type:	Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap:	not applicable
Type of ammunition used:	Winchester 9mm Luger SXT 147gr.
Date last qualified:	[redacted]
Date last trained with weapon:	

WEAPONS USED BY SUSPECT:

Beretta 92F,9mm semi-automatic pistol, Serial #BER[redacted]



PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATORS/CHARGES FILED:

Investigator John Laurie, #[redacted]
Investigator Timothy Cain, #[redacted]
Homicide Bureau

Suspect Rafael Rivas, 487 (D) PC. Compton Superior Court.
On July 1, 2002, The Los Angeles County District Attorney's Office rejected to file the case citing lack of sufficient evidence.

Suspect John Doe has not been identified or arrested.

LIGHTING AND WEATHER CONDITIONS:

Normal exterior lighting; the weather was cloudy and cool.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Richard McKaig told Homicide investigators that on April 28, 2002, he was assigned to a two-person unit, Unit 212F. This unit was assigned as an overlap car, (part of PM and the EM shift, [redacted] His partner for the shift was Deputy Garrick Twedt. Deputy McKaig said that during their shift, he and Deputy Twedt received a call at [redacted] assigning them the assist on a Grand Theft Auto, just occurred call. The call also indicated that the vehicle had been stolen within the last five minutes and was described as a burgundy Saturn.

Deputy McKaig said that he and Deputy Twedt responded to the call from the area of Martin Luther King Boulevard, east of Bullis Avenue. Deputy McKaig was the driver and Deputy Twedt was the bookman. As they drove east on Imperial Highway in the vicinity of Jackson Avenue, they saw a vehicle matching the description of the stolen Saturn. The Saturn was traveling west on Imperial Highway. Deputy McKaig made a U-turn and began following the Saturn. He recalls at this point, he initiated contact with SCC and advised the RTO that he was following a vehicle resembling the stolen Saturn. He also said that he made eye contact with the driver prior to making the U-turn. He said the driver appeared startled. He added that along with the driver, there were two other males in the vehicle.

As the vehicle continued west on Imperial Highway, it turned north on Otis Avenue. He said that they were still not in a position where they could see the license plate. He recalls requesting Century desk personnel to provide him with the license plate of the stolen Saturn via L-Tac. When they were in a position to see the license plate, Deputy Twedt ran it on the radio car's mobile digital terminal. He said that they were now close enough to the vehicle where they could see the passengers. He recalls that the passengers were looking back toward them.

Deputy McKaig said the suspect vehicle made a left turn going west on Abbott Road. The Saturn slowed for the stop sign at Mallison Avenue. As the Saturn continued south on Mallison, he could see the occupants looking back at them, and then turned toward the driver and talk to him. He could tell that the passengers were providing the driver with information on their position. As the vehicle continued south on Mallison, it began to slow down, moving toward the curb. It was at this time that they activated their over head solid red light and side spot lights of their radio car. After activating their lights, the vehicle slowed, appearing to pull over and stop, but sped up and continued driving south on Mallison. Due to the driver's actions, Deputy McKaig felt that the vehicle was in fact the one stolen from [redacted]

As the vehicle approached Alma Avenue, Deputy McKaig felt that the occupants were going to exit the vehicle and flee. He said the vehicle suddenly came to an abrupt stop. The side passenger's doors opened and the passengers exited the vehicle and ran north on Mallison Avenue. The driver was the last person to exit the vehicle. The driver ran west on Alma Avenue. He said that he and Deputy Twedt focused on the driver. As they watched the driver, the passengers ran past the radio car north on Mallison Avenue. Deputy McKaig said when he stopped the radio car, he overshot the rear of the suspect vehicle. After stopping the radio car, he and Deputy Twedt exited and pursued the driver. As he chased the driver, he recalls that he was in front of Deputy Twedt. The driver ran west on the south sidewalk of Alma, and then ran south on the east sidewalk of Ruth Avenue. Deputy McKaig said initially the suspect was approximately 10 yards ahead of him, but as he ran he was able to extend his lead to 20 yards. As the suspect ran, he said that he did not see anything in his hands. Deputy McKaig said that as he chased the suspect, he had his gun drawn.

> **<u>Homicide investigator's Note:</u>** When Deputy McKaig and Twedt were approximately mid-block on Ruth Avenue, Deputy Twedt instructed Deputy McKaig to stop because he was going to establish a containment.

Deputy McKaig said that as he continued chasing the suspect, at one point on Ruth Avenue, the suspect suddenly stopped. He said that the suspect had encountered several dogs that had run from a yard on the west side of Ruth and began chasing him. From his position, he saw that one of the dogs was a large rottweiler. He heard the suspect scream, but couldn't see if they bit him. He said that he also stopped because he believed the dogs were going to attack him. He yelled at the dogs, and they turned and ran away. Because the dogs were near the sidewalk, the suspect left his position on the sidewalk and started running in the street. As the suspect continued running away, he heard a metal clank. He said that it made the sound similar to metal hitting the ground. After hearing the sound, he saw the suspect on his hands and knees near a gutter on Ruth. At the time, he thought the suspect had fallen as a result of the dogs chasing him. Deputy McKaig said that this occurred approximately two houses north of Norton Avenue and about forty yards from where he stopped running. He said that he was still on the east side of the street.

Deputy McKaig said that he continued to walk toward the suspect, ordering him to stoop and show his hands. As walked closer toward the suspect, the suspect suddenly stood up

and ran into the street on Norton Avenue. As the suspect ran on Norton, he saw a van approaching from the west. When the van approached the suspect, the suspect "jumped" in front of the van forcing it to stop. While the van stopped, the suspect attempted to open the passenger's door. Deputy McKaig said it appeared that the suspect was attempting to take over or "carjack" the van. The van continued moving and the suspect continued to wave his hands and yell at the occupants in the vehicle. He said that he could not hear what the suspect was yelling. As the van increased its speed, the suspect ran alongside the van, holding onto the passenger side front door handle. As the van drove away, the suspect continued running west waving his hands attempting to stop it. He said that the suspect ran out of his view for approximately five seconds. When he reached the corner of Ruth and Norton, he saw the suspect in the street still attempting to get the van to stop.

At this point, Deputy McKaig took the opportunity to run up to the suspect. He said that he grabbed the suspect's shirt near the left shoulder blade area and ordered the suspect to get down. As he grabbed the suspect's left shoulder blade, the suspect reached toward his waist area with his right hand. As the suspect removed his right hand from his waist area, he saw that the suspect was now holding a gun. The suspect's gun barrel was parallel to the ground. The next thing he recalls was that the suspect started to turn toward him, in a left to right direction. As the suspect turned, he saw that his (McKaig's) wrist and gun were at a higher level than the suspect's. He believed that his gun was inches above the suspect's gun. He said that he took his hand (his gun was also in this hand) and slammed them onto the suspect's wrist. The momentum of this carried the suspect's wrist and hand parallel to the suspect's leg. After forcing the suspect's hand, wrist and gun down, he told the suspect to drop the gun. He believes his exact words to the suspect were, "drop the gun, drop the gun."The suspect did not drop the gun, and did not say anything to Deputy McKaig.

Deputy McKaig said that he was still trying to pin the suspect's arm down against his leg. The suspect was struggling and resisting his efforts. As he struggled with the suspect, the suspect started to turn toward him and the barrel of the gun moved in his (Deputy McKaig's) direction. Fearing that the suspect was going to level the gun and fire at him, he fired two shots toward the suspect's back. The suspect stumbled forward, dropped the gun and collapsed. After the suspect collapsed, he attempted to put out a radio transmission indicating that he had been involved in a "998" (deputy involved shooting). He believes the microphone on his handheld radio was not working, since he did not hear SCC reply.

Within seconds of the shooting, Deputies Sanchez and Dowdy and Twedt arrived at the location. At this point, several radio transmissions were initiated with regard to the shooting and the suspect. Los Angeles County fire and paramedic personnel arrived at the scene and treated the suspect for the gunshot wound. The suspect driver was transported to Saint Francis Hospital. Assisting units also arrived and established a containment with respect to the other two outstanding suspects. The containment resulted in the capture of Suspect Rafael Rivas. The third suspect, a male Hispanic, eluded the deputies and was not captured.

WITNESSES' STATEMENTS:

Deputy Garrick Twedt told Homicide and IAB investigators that on April 28, 2002, he was assigned to a two-person unit, Unit 212F. This unit is assigned as an overlap car, (part of PM and the EM shift, [redacted] His partner for the shift was Deputy Richard McKaig. Deputy Twedt reiterated the same information that Deputy McKaig provided but added the following:

Deputy Twedt said during their shift, he and Deputy McKaig received a call in the 11110 block of Louise Avenue, Lynwood, assigning them the assist on a Grand Theft Auto, just occurred call. The call also indicated that the vehicle had been stolen within the last five minutes and was described as a burgundy Saturn.

Deputy Twedt said while driving east in Imperial Highway (Deputy McKaig was the driver and he was the book man), in the vicinity of Jackson Avenue, they saw a vehicle, which match the description of the stolen Saturn traveling west on Imperial Highway. Deputy McKaig made a U-turn in order to catch up with the vehicle. As Deputy McKaig made the U-turn, he attempted to ascertain from Century desk personnel, a more detailed description or the license plate of the stolen vehicle. He also inquired whether the handling unit had arrived at the scene, and perhaps received any additional information about the vehicle from the registered owner.

After making the U-turn, the vehicle they were attempting to catch made a right turn, going north (he could not recall the name of the street). After turning right and traveling a short distance, the vehicle turned west on Abbott Road. Deputy Twedt said at this point, he and Deputy McKaig were able to catch up to the vehicle and get a better look. They determined, based on the make-up of the vehicle that it probably was the stolen burgundy Saturn. Initially he could not see the occupants of the vehicle, but when they caught up to it, he saw the driver, and a passenger seated in the right front seat. The vehicle then turned south on Mallison Avenue from Abbott Road. Believing that the vehicle was the same one that was reported stolen, they attempted to initiate a traffic stop by activating their radio car's solid red light. The vehicle slowed and pulled to the right curb, but continued to drive forward. At about the area of Alma Avenue and Mallison Avenue, the vehicle stopped.

As the vehicle stopped, Deputy Twedt said that a male exited from the passenger side and ran north on Mallison Avenue. The driver of the vehicle exited the driver's door, and ran south at an angle away from their vehicle. The passenger cut the corner of Alma Avenue and Mallison Avenue, as he ran north on Mallison. Deputy Twedt said that his attention was drawn to the driver and the vehicle. As he and Deputy McKaig exited their vehicle, another passenger exited the passenger side of the vehicle and also ran north on Mallison. He does not recall how it was decided, but he and Deputy McKaig initiated a foot pursuit, pursuing the driver. He recalls as they pursued the driver, he advised SCC that they were in foot pursuit of a "10-29V suspect."

> **Homicide Investigator's Note:** When Deputy Twedt and McKaig initiated the foot pursuit, the suspect had a sizable jump on them. Deputy McKaig led the pursuit.

The suspect remained about five to six houses ahead of Deputy Twedt, and approximately one house ahead of Deputy McKaig.

Deputy Twedt said the driver/suspect ran west on Alma Avenue on the south sidewalk. As the suspect reached the end of Alma, he tuned south on Ruth Avenue and ran on the east sidewalk toward Imperial Highway. As the suspect ran south on Ruth, he ran from the east sidewalk to the west sidewalk. Deputy Twedt recalls seeing something in the suspect's left hand when he exited the vehicle. He described the object as dark. At the time he saw the object, he did not share that information with his partner. During the foot pursuit, Deputy Twedt believes he yelled to the suspect to stop or to stop running, but he was uncertain of his exact words. He added that during the pursuit, his weapon remained holstered.

Deputy Twedt said that he continued to try and coordinate the foot pursuit via his hand-held radio. He recalls requesting units to respond to Imperial Highway and Ruth Avenue to set up a containment. He was able to advise assisting units that he last saw the suspect when he turned west on Imperial Highway from Ruth. Deputy Twedt said when he last saw the suspect, he (Deputy Twedt) was about mid-block on Ruth. Prior to the suspect turning west on Imperial Highway, it appeared that the suspect ducked into one of the yards and was possibly hiding. He recalls that Deputy McKaig was several houses south of him near the corner of Imperial Highway and Ruth Avenue. He asked Deputy McKaig via his handheld radio to stop pursuing the suspect. He wanted Deputy McKaig to maintain visual contact with the suspect, while he retrieved the radio car and coordinated the response of the assisting deputies.

He returned to the radio car and continued his attempt to coordinate the responding deputies from the radio car. It was about this time that Deputy Twedt said that he heard a unit put out a short broadcast that a "998" (deputy involved shooting) had occurred and the suspect was down. Prior to the "998" being broadcasted, Deputy Twedt said that he did not hear the shots fired. He said that he responded to the location. When he arrived, he saw the suspect laying on the ground. He also saw a gun laying on the ground near the suspect. He saw that his partner was standing in close proximity to the suspect along with Deputies Sanchez and Dowdy.

At this point, several radio transmissions were initiated with regard to the shooting and the suspect. Los Angeles County fire and paramedic personnel arrived at the scene and treated the suspect for the gunshot wound. The suspect driver was transported to Saint Francis Hospital. Assisting units also arrived and established a containment with respect to the other two outstanding suspects. The containment resulted in the capture of Suspect Rafael Rivas. The third suspect, a male Hispanic, eluded the deputies and was not captured.

[redacted] was contacted by Homicide investigators, IAB investigators, Deputy District Attorney Dan Baker and Senior Investigator [redacted] at her home. She told investigators that she was asleep when she was awaken to the sound of footsteps running in front of her home. She said that she and her [redacted] both got up and walked outside to the front yard and sidewalk area of their home. At that time, she saw

two men running south on Ruth Avenue on the west sidewalk directly in front of her home. She continued watching the two men as they ran toward Imperial Highway and then west. She said she could not describe the two men beyond what she previously stated.

Ms. [redacted] said that simultaneously to this, she saw a uniformed deputy sheriff running after the two men. She said that the deputy was also on the west sidewalk and stopped chasing the two men approximately one house north of where she lived. At that time, she saw the deputy illuminate what appeared to be his radio microphone which was draped over his shoulder. She heard the deputy giving directions over the radio. She recalls that she clearly heard the deputy state the suspects were "running westbound to Imperial." She said the Deputy then turned and ran out of view. A brief time later, she saw a marked Sheriff's radio car traveling south on Ruth Avenue. The radio car passed her house and turn west onto Imperial Highway. Approximately two minutes later, she heard four to five consecutive gunshots that sounded the same in pitch and volume.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at his home. He reiterated basically the same information as his [redacted] but added the following:

As the two men ran south on Ruth Avenue, he saw two dogs directly behind them. He described one of the dogs as a large pitbull. He said a short distance north of where the two men were running, he saw a uniformed deputy sheriff. He said the deputy was also on the west side Ruth Avenue, standing near one of the bungalows at Roosevelt Elementary School. He said he could hear the deputy giving instructions. He clearly heard the deputy state that the suspect was "westbound Imperial from Ruth Street." After the deputy gave that specific information, he said he saw him turn around and run north on Ruth Avenue.

> **Homicide Investigator's Note**: Mr. [redacted] described the two men running south on Ruth as possibly Hispanic. One was heavier approximately 5' 10" and weighing approximately 190 to 200 pounds with dark hair and wearing dark baggy jeans and a dark colored shirt. He believed that the suspect's shoes may have been hard-soled because they sounded loud on the pavement. He described the second male as approximately 5' 10'" tall also. He believed he weighed approximately 160 pounds, with a noticeably slimmer build than the first male. He also believed this male was wearing a T-shirt.

Approximately one minute later, he saw a Sheriff's Unit traveling south on Ruth Avenue. The Sheriff's radio car then turned west on Imperial Highway. He recalls as the car was turning west into Imperial Highway, he heard four consecutive gunshots. A short time later, Mr. [redacted] left his home to purchase some cigarettes. As he drove past Norton Street and San Vicente Avenue, he saw sheriffs' deputies and paramedics treating a male Hispanic who was lying on the ground. He said based on the physical description and from the clothing he saw, be believed the male who was lying on the ground was one of the two men he previously saw running south on Ruth.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at her home at [redacted] Ms. [redacted] told investigators that about 0430 hours, she heard noises from outside of her home. She said she heard a male's voice say something to the effect of, "run stupid." She ran to look out of the south facing window, which faces Imperial Highway. As she looked out the window, she heard what she described as someone running past her house. She did not see the individual or individuals run past her house, however because of the voice she heard she believed that one of them was a male. Approximately two minutes after hearing the voice and the individuals running past her house, she heard two gunshots.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at her home at [redacted] Ms. [redacted] told investigators that she was leaving her bathroom when she heard some type of commotion outside. She looked out of her livingroom window, which face's west onto Ruth Avenue. As she looked out the window, she saw a deputy in full uniform holding a gun. She said the deputy was holding the gun in a downward position in front of his body. She recalls the deputy yelling, "don't move, don't move, don't move." As she looked to her left, south, she saw a male dressed in dark clothing crouched near some parked cars. It appeared that the deputy did not see the male because as she looked at the male, the deputy turned and ran north on Ruth Avenue, then east on Alma Avenue.

Within a minute, she believes the same deputy who ran north on Ruth had now returned driving a radio car. She said that the deputy drove the radio car south on Ruth at a high rate of speed. During her observation of the activity, she did not see a second deputy. She added that she did not know where the male dressed in the dark clothing went.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at his home at [redacted] He reiterated basically the same information as [redacted] but added the following:

He recalls hearing a deputy yell, "don't move, don't move, don't move." He did not see who the deputy was yelling at. As the deputy stood there, he heard him talking into his radio, apparently giving directions of where he was. He then saw the deputy run north on Ruth to Alma. He said within a minute, he believes the same deputy who ran north on Ruth had now returned driving a radio car. He said that the deputy drove the radio car south on Ruth at a high rate of speed. He added that he never saw a second deputy.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at her home at [redacted] Ms. [redacted] lives at the location with her [redacted] It was at her home where uniformed patrol deputies detained Rafael Rivas as he was found sleeping on the front porch. Ms. [redacted] stated that she did not see or hear anything prior to deputies detaining Mr. Rivas.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at his home at [redacted] Mr. [redacted] reiterated the same information as [redacted] and could add nothing further or of

significance.

[redacted] was contacted by Homicide Investigators, IAB investigators and Deputy District Attorney Dan Baker at her home at [redacted] reiterated the same information as [redacted] and [redacted] and could add nothing further or of significance.

[redacted] was contacted by Homicide investigators, IAB investigators and Deputy District Attorney Dan Baker at his home at [redacted] reiterated the same information as [redacted] and [redacted] and could add nothing further or of significance.

SUSPECT'S STATEMENT:

Jesus Robles (None)

Rafael Rivas, was contacted by Homicide investigators at Century Regional Detention Facility. Prior to being detained by Sheriff's Deputies, Mr. Rivas was found pretending to be asleep on the front porch of [redacted]

Initially when contacted by investigators, he denied and stated that he knew nothing about the suspect who had been shot by Deputy McKaig. He stated that he had attended a party earlier in the evening and did not know any details of the shooting. After answering a few more questions, Mr. Rivas conceded that he was in fact involved in the incident, and had been riding in the car with the suspect prior to the shooting. He told Homicide investigators that he was an old companion of the suspect, but had not seen him in approximately ten years. He said earlier in the evening, the suspect picked him up at his house. At that time the suspect was driving a grey Ford Expedition. He said they drove to the Economy Motel, 11235 Atlantic Boulevard, Lynwood. He added that they went to room #[redacted] where they socialized and drank (large quantities of "Budweiser" beer) with several other people.

Sometime later in the evening, more so during the early morning hours, Mr. Rivas said that he walked outside the motel and into the rear alley behind the motel. He said that the suspect was sitting in a vehicle parked in the alley. At that time, the suspect invited him inside the car. He recalls that along with the suspect, a young male Hispanic (who he did not know) was seated in the front passenger seat of the vehicle. He said the suspect got into the rear seat with him and they continued drinking. He added that he assumed the vehicle belonged to the suspect.

After drinking for a short period of time, the suspect returned to the driver's seat, started the car and began driving. He believes they were going to cruise the area and quite possibly get some more alcohol. He indicated that they were in the car for a brief period of time, less than five minutes, when a marked Sheriff's radio car began following them. He said at that time, the suspect told him that the car was stolen. He said he encouraged the suspect to pull over. After several brief stops and starts, the suspect pulled over and Rivas said that he ran out of the car by exiting the rear passenger's door. Rivas said he ran

north on Ruth Avenue and ultimately hid from the Sheriff's helicopter which arrived a short time later. He added because he was very intoxicated, he ultimately went to sleep after the helicopter left. He said that he fell asleep on the front porch of a home on Mallison Avenue. He added that he could not recall how long he had been asleep when Sheriff's Deputies woke him up and detained him. Rivas stated that after he ran from the car, he did not hear the gunshots from the incident.

MISCELLANEOUS SECTION:

On April 29, 2002, Dr. Sheinin, Deputy Medical Examiner, performed the post mortem examination of Suspect Robles and ascribed the cause of death as a single gunshot wound entering the right side of the back, 15 ½ inches from the top of the head. The trajectory of the bullet was from back to front, right to left, very sightly downward. Suspect Robles also had a second gunshot wound which was determined to be old. The entry of the second gunshot wound was posteromedial right arm, 9½ inches from the apex of shoulder; no soot or stippling. The exit of the gunshot wound was the right arm at antecubital fossa, 11 3/8 inches from apex of shoulder. The gunshot re-entered the forearm at antecubital fossa, 12 1/4 inches from apex of the shoulder. The gunshot exited volar forearm near the wrist 18 ½ inches from apex of the shoulder.

Toxicology tests performed on Suspect Robles revealed the following:

Alcohol	0.07 g% (Grams)
Cocaine	0.10 ug/ml (Microgram per Gram)
Methamphetamine	0.47 ug/ml (Microgram per Gram)



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

October 3, 2002

Captain Frank Merriman
Los Angeles Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 02-0430
L.A.S.D. File # 002-08993-2112-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed a review of the April 28, 2002, fatal shooting of Jesus Robles by Los Angeles County Sheriff's Deputy Richard McKaig, #[redacted] It is our conclusion that Deputy McKaig acted lawfully in self-defense while attempting to arrest a fleeing felon.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detectives John Laurie and Timothy Cain, Sheriff's Homicide Bureau, on September 4, 2002. The District Attorney Command Center was notified of this shooting on April 28, 2002, at 5:37 A.M. The District Attorney Response team, consisting of Deputy District Attorney Dan Baker and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a walk through by Sheriff's Lieutenant Daniel Rosenberg. They interviewed, in conjunction with Sheriff's investigators, seven civilian witnesses.

FACTUAL ANALYSIS

Before dawn on Sunday, April 28, 2002, Jesus Robles was shot by Deputy Richard McKaig. Robles was shot when, after a short foot pursuit, he confronted Deputy McKaig with a 9 millimeter Beretta semiautomatic pistol. Deputy McKaig fired only twice, but one of his rounds proved fatal to Robles. The shooting of Robles was the culmination of a series of events which began the previous evening.

Rafael Rivas, age 23, was robbed of beer by four male Hispanics while on Long Beach Boulevard in the City of Lynwood on Saturday evening, April 27, 2002. After the robbery, he went to the Economy Inn at 11235 Atlantic Boulevard, also in Lynwood, where he talked and

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WEBSITE: http://www.co.la.ca.us/da

drank until the early morning hours with [redacted] several males whom Rivas did not identify, a female identified only as [redacted] and Robles.

Robles had recently returned from Texas. While in Texas, he had been seriously injured in a shooting.[1] He would not cooperate with the police in the investigation and no suspects were ever arrested. However, at the time he was shot, he was with [redacted] At the time of the Texas shooting [redacted] was on [redacted] in Texas from California, pursuant to an interstate [redacted] supervision compact, for [redacted] On April 28, 2002, [redacted] was still on active [redacted] assigned to Texas.

At about 4:20 a.m., just a few blocks from the Economy Inn, [redacted] was awoken by the sound of her dogs barking. She then heard her burgundy Saturn, which she had parked in the driveway of her residence, start up and leave. She jumped out of bed and noticed that both sets of keys to the car were still on their kitchen pegs. She looked out the window to see her stolen car traveling north on Louise Avenue. She immediately called 911 and reported the theft.

Moments later, Robles, armed with a 9-millimeter semiautomatic pistol, returned in the stolen Saturn to the Economy Inn where he picked up Rafael Rivas. There was a third Hispanic male in the car, whose identity is unknown.[2] The three of them then headed west on Imperial Highway toward the area where Rivas had been robbed of the beer.

Meanwhile, Deputy McKaig and Deputy Garrick Twedt, both in full uniform, were driving east on Imperial Highway in a marked patrol unit, when they received the radio broadcast about the just stolen burgundy Saturn. They observed a burgundy Saturn driven by Robles and occupied by Rivas and a third unidentified male Hispanic pass their patrol car traveling west on Imperial Highway. Deputy McKaig, who was driving, made a U-turn and followed the Saturn while Deputy Twedt attempted to ascertain the Saturn's status. Deputy McKaig did not activate his red light or siren.

As soon as Deputy McKaig made the U-turn, Robles turned right onto Otis Street, traveled north two blocks to Abbott Road, turned west and drove one block to Mallison Avenue, then turned south toward Imperial Highway. Deputies McKaig and Twedt suspected this was the stolen Saturn, and activated their red light to attempt to initiate a traffic stop.

Robles slowed, but did not stop. He continued driving south on Mallison Avenue to Alma Avenue, where he, Rivas and the unidentified male jumped from the car. Rivas and the unidentified male fled north on Mallison Avenue, while Robles ran west on Alma Avenue, then

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[1]The bullets from this shooting were found in Robles's body at the time of the autopsy.

[2]It is likely that this third male was [redacted]

south on Ruth Street. Deputy McKaig and Deputy Twedt pursued Robles. Deputy McKaig had his gun drawn.

About mid-block on Ruth Street, Deputy Twedt stopped and told Deputy McKaig that he was going to establish a containment. Deputy McKaig stopped running and saw dogs chase Robles into the street, where Robles fell. He heard a noise which sounded like metal hitting the ground and saw Robles on his hands and knees in the gutter area about two houses north of Norton Avenue. Deputy McKaig started walking in Robles's direction, while waiting for Deputy Twedt to catch up.

Robles jumped up and ran into the street on Norton Avenue, where he tried to stop a van traveling west on Norton Avenue. When the van briefly stopped, Robles attempted to open the passenger door of the van. The van continued forward with Robles running along side it, his hand on the passenger door while yelling at the van's occupants. Deputy McKaig feared that Robles was attempting to car jack the van.

The van drove off without Robles, but Deputy McKaig could see Robles walking in the direction the van had gone, still waving his hands at the van and its occupants. Deputy McKaig took this opportunity to rush at Robles, and grabbed Robles's shirt near the left shoulder area. Deputy McKaig ordered Robles to get down, but Robles pulled a gun from his waistband and started to rotate to his right in the direction of Deputy McKaig.

Deputy McKaig took his hand and gun and hit Robles's right wrist, causing Robles's right arm to drop parallel to his right leg. Deputy McKaig told Robles to drop the gun, but Robles instead extended his right arm backwards in Deputy McKaig's direction. Deputy McKaig pushed Robles away from him in order to avoid getting shot, and fired two rounds at Robles. Robles dropped his gun and fell to the ground.

The gun dropped by Robles was a 9 millimeter semiautomatic Beretta. The gun was fully loaded with fifteen bullets. This gun had been stolen on June 29, 2001, from an ice cream parlor in Huntington Park.

Robles was struck twice. The fatal wound entered his back, traveled left to right, and exited his chest. A second bullet entered the back of his right arm just above the elbow, exited his interior elbow above the joint, re-entered his interior elbow and exited his lower forearm.

Rivas was found by deputies feigning sleep on the front porch of a house at the corner of Mallison Avenue and Abbott Road. The third male Hispanic was not apprehended.

CONCLUSION

It is well-established law that the use of deadly force by a peace officer is lawful when necessarily committed in attempting by lawful means to apprehend a dangerous person who poses a significant threat of death or serious bodily injury to the person attempting the apprehension or others. See *Tennessee v. Garner* (1985) 471 U.S.1, and CALJIC 5.25. It is also well established law in California that deadly force in defense of self or of another is justified when a person actually and reasonably believes that he or another is in imminent danger of great bodily injury or death. See *People v. Williams* (1975) 75 Cal.App.3d 731, 739, citing *People* v. *Glover* (1903) 141 Cal. 233, 239 and *People* v. *Ortiz* (1923) 63 Cal.App. 662, 668.

Deputy McKaig had observed Robles driving a stolen car. Instead of yielding to deputies, Robles tried to escape. Robles ignored commands to stop, and attempted to get into a passing van occupied by presumably innocent passers-by. Robles demonstrated by his efforts to commandeer a passing vehicle and his pulling a gun when confronted by Deputy McKaig that he posed a very clear and immediate threat to the public and to Deputy McKaig. Robles was shot when he extended the hand holding the gun in Deputy McKaig's direction. Deputy McKaig's fear for the safety of the public and, most immediately, for the safety of himself, was reasonable.

Therefore, it is our opinion and legal conclusion that Deputy McKaig acted lawfully in self- defense. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Daniel W. Baker

DANIEL W. BAKER
Deputy District Attorney
(213) 974-4105

c: Deputy Richard McKaig, #[redacted]